

**REGULAR MEETING  
of the  
CITY OF RIALTO  
CITY COUNCIL  
City of Rialto, acting as Successor Agency to the  
Redevelopment Agency  
RIALTO UTILITIES AUTHORITY**

**MINUTES  
January 26, 2016**

A regular meeting of the City Council of the City of Rialto was held in the City Council Chambers located at 150 South Palm Avenue, Rialto, California 92376, on Tuesday, January 26, 2016.

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This meeting was called by the presiding officer of the Rialto City Council in accordance with the provisions of **Government Code §54956** of the State of California.

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**CALL TO ORDER**

Mayor Robertson called the meeting to order at 5:06 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Council Members Ed Scott, Ed Palmer and Shawn O'Connell. Also present were City Administrator Michael Story, City Attorney Fred Galante and City Clerk Barbara McGee. City Treasurer Edward Carrillo was absent.

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**CLOSED SESSION**

1. Conference with Legal Counsel - Existing Litigation: The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(1):
  - (a) Donna Crow v. City of Rialto  
WCAB CR-12-005071
  - (b) Jacquelyn Haynie v. City of Rialto  
WCAB CR-14-005052
  - (c) Frank Pena v. City of Rialto  
WCAB CR-07-0500006

## **CLOSED SESSION**

2. Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.4:  
Agency designated representatives:  
Fred Galante, City Attorney  
George Harris, Administrative and Community Services Director  
Employee organizations:  
RPBA Bargaining Unit
3. Conference with Real Property Negotiator. The City Council will confer with its real property negotiator concerning the following properties pursuant to Government Code Section 54956.8:
  - (a) Subject: Price and Terms - Right of Way Acquisition  
Location: Portions of APN 0240-201-05  
Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.  
Goldstein & Gould Trust
  - (b) Subject: Price and Terms - Right of Way Acquisition  
Location: Portions of APN 0240-201-08  
Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.  
Yigal Hovav
  - (c) Subject: Price and Terms - Right of Way Acquisition  
Location: Portions of APN 0240-201-38, 45, 46, & 47  
Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.  
Ly & Yam
  - (d) Subject: Price and Terms - Right of Way Acquisition  
Location: Portions of APN 0240-201-02, 31;  
Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.  
Morin Trust
  - (e) Subject: Price and Terms - Right of Way Acquisition  
Location: Portions of APN 0240-201-04, 30;  
Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.  
Reddy
  - (f) Subject: Price and Terms - Right of Way Acquisition  
Location: Portions of APN 0240-201-41;  
Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.  
TSS Family LLC
  - (g) Subject: Price and Terms - Right of Way Acquisition  
Location: Portions of APN 0240-201-34  
Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.  
Christine White
  - (h) Subject: Price and Terms - Right of Way Acquisition  
Location: Portions of APN 0240-201-10  
Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.  
Howard and Lucille Williams
  - (i) Subject: Price and Terms - Right of Way Acquisition  
Location: Portions of APN 0240-201-09, 40  
Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.  
Maggie Williams
  - (j) Subject: Price and Terms - Acquisition of Real Property  
Location: APN 0240-221-28  
Negotiators: Robb R. Steel, Asst.CA/Development Svs. Dir.  
John Murphy, Rosemead Properties

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## **SUBSEQUENT NEED ITEM**

City Attorney Galante requested two subsequent need items for Closed Session.

1. Conference with Labor Negotiator regarding the following recognized employee organization pursuant to Government Code Section 54957.4:  
Agency designated representatives:  
Fred Galante, City Attorney  
George Harris, Administrative Services Director  
Employee organizations:  
RMMA Bargaining Unit
2. Conference with Legal Counsel. Anticipated Litigation. The City Council will discuss the following pending litigation(s) pursuant to Government Code Section 54956.9(d)(2). One case.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to add the two subsequent need items to the Closed Session portion of the Agenda.

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## **CLOSED SESSION**

Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to go into Closed Session at 5:06 pm. City Council returned at 6:12 pm.

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## **CALL TO ORDER**

Mayor Robertson called the meeting to order at 6:12 p.m.

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The roll was called and the following were present: Mayor Deborah Robertson, Mayor Pro Tem Joe Baca Jr., Council Members Ed Scott, Ed Palmer and Shawn O'Connell. Also present were City Administrator Michael Story, City Clerk Barbara McGee and City Attorney Fred Galante.

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## **Pledge of Allegiance and Invocation**

Mayor Deborah Robertson led the pledge of allegiance and Pastor Martin - Love, Peace & Happiness Family Christian Fellowship gave the Invocation.

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## **City Attorney's Report on Closed Session**

City Attorney Fred Galante stated that City Council met in Closed Session on all items listed on the Agenda.

- 1a-c. Conference with Legal Counsel – Existing litigation. The three items of listed on the Agenda. City Council had a discussion and no reportable action was taken.
- 1b. Conference with Labor Negotiator. RPBA Bargaining Unit. City Council provided direction and no reportable action was taken.

**City Attorney's Report on  
Closed Session**

3. Conference with Labor Negotiator. RMMA Bargaining Unit. City Council received an update. Provided direction and no reportable action was taken.

The balance of the Agenda items will need to be discussed after the Open Session and City Council will recess back into Closed Session.

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**PRESENTATIONS AND  
PROCLAMATIONS**

- 1 Presentation-Property Pride Awards-Beautification Commission  
Chairperson Andy Carrizales
- 2 Proclamation-Burn Awareness Week-Mayor Deborah Robertson
- 3 Certificates of Recognition to Taylor Jackson and Meiona Ervin-  
Inland Valley Volleyball Classic-Mayor Deborah Robertson

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**ORAL COMMUNICATIONS**

Sally Flores, 40 year Rialto Resident, suggested that Rialto City Hall move to Foothill Blvd. for better visibility.

She asked about various grant funding for an adult class for spelling and word association.

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**Consider removing or continuing items  
on the Agenda**

City Administrator Story requested that they remove Item E.8 and bring back at a later date.

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**CONSENT CALENDAR**

**A. WAIVE FULL READING OF ORDINANCES**

1. Waive reading in full, all ordinances considered at this meeting.

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**B. APPROVAL OF WARRANT RESOLUTIONS**

**B.1** Resolution No. 26 (01/15/16)

**B.2** Resolution No. 27 (01/22/16)

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**C. APPROVAL OF MINUTES**

**C.1** Regular City Council Meeting - January 12, 2016

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## **CONSENT CALENDAR**

### **D. SETTING OF PUBLIC HEARINGS**

- D.1 Request City Council to Set a Public Hearing for February 23, 2016, to Consider the Placement of Liens for Delinquent Refuse Collection Accounts for the 3rd Quarter of the 2015 Calendar Year

### **E. MISCELLANEOUS**

- E.1 Request City Council to (1 ) Accept the Cedar Avenue Storm Drain Improvement Project, City Project No. 120801 ; (2) Authorize Filing of the Notice of Completion; and (3) Release Retention to Downing Construction, Inc., a California corporation.
- E.2 Request City Council to Approve 2016 Investment Policy.
- E.3 Request City Council to Adopt Resolution No. 6875 for the Placement of Liens Against Abandoned Properties for Failure to Comply with Administrative Citation to Correct Code Violations.
- E.4 Request City Council to Approve a Purchase Order with Burrtec Waste Industries in the Amount of \$23,463 for Cover Mulch for the City Median Conversion Projects.
- E.5 Request City Council to Approve Purchase Order with Imperial Sprinkler Supply for Drip Irrigation Supplies in the amount of \$28,451.81 for the City Median Conversion Projects.
- E.6 Request City Council to Approve the Agreement with OmniEarth and Santa Ana Watershed Project Authority (SAWPA) to participate in the Technology Based Information System: Web Based Water Consumption Reporting, Analytics and Customer Engagement Tool Program for a total amount of \$16,995.
- E.7 Request City Council to Adopt Resolution No. 6876 Approving the Annual Submittal of an Application for Funding from the California Department of Resources Recycling and Recovery for the Beverage Container Recycling Payment Program.
- E.8 Request City Council to Adopt Resolution No. 6877 Approving the Fiscal Year 2013/14 and Fiscal Year 2014/15 AB 1600 Development Impact Fee Report and Making Certain Findings.
- E.9 Request City Council, Acting as Successor Agency to the Redevelopment Agency for the City of Rialto, to Adopt Resolution No. SA2-16 Approving the Recognized Obligation Payment Schedule and to Adopt Resolution No. SA3-16 Approving the Administrative Budget for Fiscal Year 2016-17.
- E.10 Request City Council to Receive and File the Statement of Income and Expenses related to Airport Escrow Account for December 2015.
- E.11 Request City Council to Receive and File the Statement of Income and Expenses related to the Miro Way and Alder Avenue Escrow Accounts for December 2015.

## **CONSENT CALENDAR**

- E.12 Request City Council Approval of a Grant of an Easement to Southern California Edison Company for the construction of an easement to construct operate and maintain certain underground electrical facilities and communication systems along Miro Way (affects portions of APN 0240-251-21, 240-251-22, 0240-251-23, and 0240-251-24).
- E.13 Request Rialto Utility Authority to Approve the Tenth Extension of Termination Date for the Site Use Agreement by and between the Rialto Utility Authority and Rialto Bioenergy Facility LLC.
- E.14 Request City Council to Authorize a Professional Service Agreement with Kimley-Horn and Rocks Biological Consulting for mitigation of the Burrowing Owl in the amount of \$30,000.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to approve the Consent Calendar as presented with the exception of Item E.8.

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### **TAB 1 – Proposed Annexation of Territory to the Rialto Landscaping and Lighting District No. 2**

Robert Eisenbeisz, Public Works Director presented the staff report regarding Proposed Annexation of Territory to the Rialto Landscaping and Lighting District No. 2.

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Mayor Robertson declared the public hearing open. No one came forward to speak.

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Motion by Council Member Palmer, second by Council Member Scott and carried by unanimous vote to close the public hearing.

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City Clerk McGee tallied the ballots.

3 YES 0 NO

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to Adopt Resolution No. 6870 Declaring the Results of the Property Owner Protest Ballot Proceedings Conducted for the Proposed Levy of Assessments Related to the Annexation of Territory to the Rialto Landscaping and Lighting District No. 2, Commencing in Fiscal Year 2016/17; Adopt Resolution No. 6871 Confirming the Engineer's Report Regarding the Annexation of Territory to the Rialto Landscaping and Lighting District No. 2, the Levy of Annual Assessments Described Therein, and the Assessment Diagram Connected Therewith, and Ordering the Levy and Collection of Assessments Commencing in Fiscal Year 2016/17 for Said Annexation.

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**TAB 2 – CDBG Transfer of Funding  
Community Resources Center**

- George Harris, Administrative Services Director and Rudy Munoz, CDBG Consultant presented the staff report regarding the City's Substantial Amendment to the 2013-2014 Consolidated Plan One-Year Action Plan to transfer funding in the amount of \$200,000 for the Community Resources Center.

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Council Member Scott and Council Member Palmer stated they have a conflict of interest due to the location proximity to their businesses. They left the dais at 6:49 pm.

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Perry Brents listed some of the resources that will be housed at that location. Along with the ease of low-mod income resident accessibility.

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City Attorney Galante stated for the record they referenced an error on the address on the agenda. He didn't see the corrected address on the plan that was released to the public. His concern is that if the wrong address was provided that there could be a Notice issue.

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Rudy Munoz, CDBG Consultant stated that the Public Hearing Notice does not identify an address.

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Mayor Robertson declared the public hearing open. No one came forward.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member O'Connell and carried by a 3-0 vote to close the public hearing. Council Member Scott and Council Member Palmer abstained from voting.

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Council Member O'Connell asked if there was additional money. \$200,000 was available from 2013/2014. Is there additional money outstanding? He was wondering where this came from.

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Rudy Munoz stated that there is still \$103,000 available to utilize in other projects or this project. When they go through the Action Plan process every year. They inform the Ad-Hoc Committee of these funds being available and this is when they re-allocate these dollars.

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**TAB 2 – CDBG Transfer of Funding -  
Community Resources Center**

Council Member O'Connell stated that one of the concerns he has, he is not a proponent of the Ad-Hoc Committee and he had spoken about this in the past. Two of five get appointed to a committee and projects are presented to these two individuals. They make recommendations on who gets what. Then it comes back to City Council. He has recommended in the past that they do all five council members and open it to public so they can review. His concern, or complete open and transparency he has a concern that \$200,000 is being allocated to one specific project. He wasn't aware that there were any openings and he is wondering if they was open to any other projects. He doesn't feel comfortable supporting this. He believes they should hold until April so they can look at all the projects. Again, he recommends they have all five council members so the community can see what happens.

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Mayor Pro Tem Baca Jr. stated that they have Ad hoc Committees and sub-committees for several items. It's important of the public to understand that all of them cannot meet for every single thing and sometimes only two can meet because of the Brown Act. They do meet on certain items and make recommendations whether the City Council supports it or not is up to the City Council. They can bring anything before City Council but it's up to the full body to decide where this project goes or not. This is good community-based project. He would like to see a resource center with computers so the public has access to them. Clearly, the library is overfilled with people that need computers.

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Mayor Robertson stated that Mr. Munoz spoke to the balance remaining, can he clarify how and why they are redirecting a portion to address making use of the facility.

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Rudy Munoz, CDBG Consultant stated that in the 2013/14 Annual Action Plan, the City had approved the funding of a project across the street for a multi-use court, volleyball, tennis. The City had funded it in the amount of \$235,000 and as a result of that project no longer going forward at this time, those funds have become available. That project once it comes back in the future can be funded once again with the CDBG dollars.

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Mayor Robertson stated that this process they are going through is not a new process. In the 2012/13 they did a similar situation when they had additional dollars available for the capital program. Capital dollars are different than public service dollars. How can they spend those funds towards a capital program and they created a weatherization program with excess money available at that time. They also made a decision to take what was recommended by staff and redirect some of that money towards a painting and roofing project for the Historical Church which is very much needed and recognized.



**TAB 2 – CDBG Transfer of Funding -  
Community Resources Center**

Mayor Robertson stated they also know for various reasons some monies still outstanding and projects that haven't gone forward from that period have in fact still needing to paint the historical church and put a roof on which was a process from two years ago. If they were to put this in a situation where they have a full Council for discussion she thinks they would still be in that awkward situation of having only 3 of the 5. When they look at projects and what projects go forward and what they vote on then there will be some conflicts in some areas. She doesn't know having all five will be something they could accomplish because they would still need to make a decisions to directly or indirectly appear to benefit one or two members.

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Motion by Mayor Pro Tem Baca Jr., second by Mayor Robertson and carried by a 2-1 vote to Approve the City's Substantial Amendment to the 2013-2014 Consolidated Plan One-Year Action Plan to transfer funding in the amount of \$200,000 for the Community Resources Center to be located at 131 S. Riverside Avenue. Council Member O'Connell voted No.

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Council Member Scott and Council Member Palmer returned to the dais at 7:05 pm

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**TAB 3 – Cost Recovery for Code  
Enforcement**

Robb Steel, Development Services Director presented the staff report regarding Code Enforcement Cost Recovery fees. He requested that the public hearing be cancelled and will reschedule at a later date.

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Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to cancel the Public Hearing for proposed Ordinance regarding Code Enforcement Cost Recovery fees.

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**TAB 4 – Surplus properties at Lilac Ave.  
and Santa Ana Ave.**

Council Member Palmer declared a conflict of interest and excused himself from the dais at 7:06 pm.

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Robb Steel, Development Services Director presented a staff report regarding the sale of 4.10 acres of surplus properties at the southwest corner of Lilac Avenue and Santa Ana Avenue.

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Mayor Pro Tem Baca Jr. stated that he doesn't have a problem supporting this sale. They need to identify soon a portion in South Rialto, which has a higher call for service in this industrial area. There is a big portion of South Rialto that is underserved and under-represented. They need to identify a spot for fire service.

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**TAB 4 – Surplus properties at Lilac Ave. and Santa Ana Ave.**

Fire Chief Fratus stated that he is correct that 50% of the total calls are out of the Station 201 which is disproportionate and inefficient for those areas. There are some areas they have been looking at and working with Development Services to see what they can find out. There is a need for that in the City.

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Mayor Pro Tem Baca Jr. asked if there are any general areas which they identified.

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Fire Chief Fratus stated yes, they have. The areas between Riverside and Willow, South of San Bernardino and North of Valley is essentially where they are building the new Walmart. There are 2-3 other options they could look at that would be suitable not only for the Fire Station but as Mr. Steel mentioned but the development up at Station 203 where they currently have a training facility is going to be redeveloped and they will need to be able to relocate some of those facilities.

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Council Member O'Connell stated that he knows they had discussed the location on the deep south end. He concurs that it was probably going to be a bad location for where it was referencing fire safety and fire response. With all the development down there, he is glad to hear they are moving forward and trying to identify a piece. He does support this.

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Mayor Robertson asked for the February Economic Development Committee Meeting, she would like this item on the Agenda so they can begin to explore where the sites are and get more information. Its makes sense to have the services North of the 10 freeway but serving the south areas.

To restate the amount of land, what is being sold?

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Mr. Steel stated that 4.1 acres is being sold.

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Mayor Robertson stated that they have a process where they need to put out notice to all various non-profits and government agencies for them to have the opportunity to look at that.

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Robb Steel stated, yes that notice will go out tomorrow.

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**TAB 4 – Surplus properties at Lilac Ave. and Santa Ana Ave.**

Motion by Mayor Pro Tem Baca Jr., second by Council Member O'Connell and carried by a 4-0 vote to declare City Parcels totaling 4.10 acres situated at the southwest corner of Lilac Avenue and Santa Ana Avenue (APN # 0258-102-58, 59, 60 and 61) as Surplus Properties pursuant to Government Code Sections 54200-54232 and Authorize Deposit of Sale Proceeds in the Fire Facilities Development Impact Fee Fund. Council Member Palmer was absent.

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Council Member Palmer returned to the dais at 7:14 pm

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**TAB 5 - Professional Service Agreement with Kimley-Horn for preparation of the Housing Element**

Robb Steel, Development Services Director presented the staff report regarding the Professional Service Agreement with Kimley-Horn for preparation of the Housing Element.

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Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to authorize a Professional Service Agreement with Kimley-Horn for preparation of the Housing Element for \$58,020.

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**TAB 6 – Grant Funding for Turf Removal**

Robert Eisenbeisz, Public Works Director presented the staff report regarding Grant Funding from the San Bernardino Valley Municipal Water District for Turf Removal.

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Mayor Pro Tem Baca Jr. stated so they haven't identified any areas yet?

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Mr. Eisenbeisz stated they have. It's basically Riverside Avenue where they have a median and also on Bloomington Ave where they have turf. Riverside Avenue in the north end, already had the turf removed and going to replace with woodchips temporarily. The next phase would be to replace with the drought tolerant landscaping. The southern part of Riverside Avenue is expected to have more conceptual and attractive look there for the downtown. Bloomington Ave., they have already started some action. They have a designer already working on plans to do that conversion on only a portion of that. They will have to do the rest of the portion that is not covered. The short term would be to remove the turf and replace with mulch covering and use the drip system to keep the trees watered.

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Mayor Pro Tem Baca Jr. stated with all of that will this expend all of this money? Do they have a budget yet?

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## **TAB 6 – Grant Funding for Turf Removal**

Robert Eisenbeisz, Public Works Director stated that the grant won't cover all of those expenses but they are assembling those costs as part of that process. They will be coming back to look at it. They have an approximate but not a detailed budget. There are still some unknowns.

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Mayor Pro Tem Baca Jr. stated he would like to see incorporated, on Baseline between Sycamore and Eucalyptus, they have a long stretch of grassy area. Hopefully, they can make that drought tolerant or put in all the things to save water.

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Mr. Eisenbeisz stated that the current restrictions are just on the medians but it can be applied to more than just medians. Anything they can do to conserve water.

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Council Member Scott stated that the list in the staff report, there is a category that says median Foothill, but is that Riverside Avenue?

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Amy Crow, Public Works Dept. stated that the third listed is Riverside Avenue from Foothill Blvd. to the railroad tracks.

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Council Member Scott asked why doesn't it say that?

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Ms. Crow apologized and stated that she put it in that way.

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Council Member Scott stated to City Administrator Story that this is once again a staff report that isn't accurate.

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Mayor Robertson stated she was going to ask for a map to see the locations.

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Council Member Palmer asked about the first one that says median at Trapp. There is no median out there.

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Mr. Eisenbeisz stated that it's the median between the outer highway and Riverside Ave.

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Amy Crow stated that it's from Trapp to Casmalia Ave. on the West side.

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## **TAB 6 – Grant Funding for Turf Removal**

Mayor Robertson stated as they read this, there is no map to the locations. Her first thought was the median on the East side of Riverside Avenue is in the County and she seen they already removed some of the turf. Because it's a grant, they can move forward to receive the grant with an asterisk to re-evaluate the locations and if they are in the City of Rialto.

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Amy stated from Kauri to Arbeth on the East side of Riverside Ave. is City property.

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Mayor Robertson stated again, not knowing which part of it they are referring to because she knows where Kauri is and everything north of that is County. But ok, going South to Arbeth is City.

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City Administrator Story stated that if they can accept the grant and they will provide a follow up memo to City Council with the locations, map and photographs.

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Mayor Pro Tem Baca Jr. stated not only a map and photograph of the locations but a budget for each median.

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Motion by Council Member Scott, second Mayor Pro Tem Baca Jr. and carried by unanimous vote to Adopt Resolution No. 6878 Accepting Grant Funding from the San Bernardino Valley Municipal Water District in the amount of \$638,984 for Turf Removal.

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## **CLOSED SESSION**

Motion by Council Member Palmer, second by Mayor Pro Tem Baca Jr. and carried by unanimous vote to return to Closed Session at 7:28 pm

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## **CALL TO ORDER**

Mayor Robertson called the meeting back to order at 8:10 p.m. with all members of City Council present.

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## **City Attorney's Report on Closed Session**

City Attorney Galante reconvened into Closed Session to discuss the balance of the Closed Session items.

3. Real Property Negotiations concerning each and every property listed on a-j on the Agenda. The City Council heard a discussion on each item and provided direction. No further reportable action was taken.
4. City Council met on the additional added agenda item. Conference with Legal Counsel on one item of anticipated litigation. The City Council heard an update on the threat of litigation, provided direction and no further reportable action was taken.

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## **REPORTS**

City Council gave their reports.

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## **ADJOURNMENT**

Motion by Mayor Pro Tem Baca Jr., second by Council Member Scott and carried by unanimous vote to adjourn the City Council meeting at 8:31 p.m., in memory of:

**Dorothy Pryor Rose**

Rialto Resident and owner of Mommie Helen's Bakery

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